

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

COMPLAINT AND ORDER TO
SHOW CAUSE WHY PERMIT
SHOULD NOT BE CANCELED
FOR FAILURE TO PAY
REGULATORY FEES AND/OR
FAILURE TO FILE 2004 ANNUAL
REPORT; AND NOTICE OF
HEARING
(Set for December 19, 2005,
1:30 p.m.)

)

- 1 **Synopsis:** *The Commission orders twenty-two companies to show cause why their household goods carrier permits should not be canceled for failure to pay regulatory fees as required by RCW 81.80.321 and/or failure to file an annual report as required by RCW 81.04.080.*
- 2 **Proceedings:** The staff of the Washington Utilities and Transportation Commission (Commission Staff) distributes annual report forms to all household goods carrier permit holders, including Busby, Dan d/b/a Careful Movers (Careful Movers); Cascade Moving & Storage, Inc. (Cascade Moving); Cummings Moving Systems, LLC (Cummings Moving); Emad Kadem Al-Mosawi d/b/a Sunshine Movers (Sunshine Movers); Franz, Clara Marlene d/b/a Progressive Movers (Progressive Movers); G.J. Daniels, Inc. (G.J. Daniels); Harold Lemay Enterprises, Inc. (LeMay); Hutson, Charles Edward d/b/a Hutson & Sons Moving & Packing (Hutson Moving); W.W. Kassner d/b/a Industrial Transfer Co. (Industrial Transfer); Lincoln Moving & Storage Co., Inc. (Lincoln Moving); Lindsey, Jerry d/b/a Jerry Lindsey Excavating (Lindsey Excavating); Maskelyne Transfer & Storage, Inc. (Maskelyne Transfer); Maust Corp, The (Maust); Metropolitan Movers, Inc. (Metropolitan Movers); Pacific Northwest Motor Freight Lines, Inc. (Pacific Northwest); Pozzi Brothers Transportation, Inc. (Pozzi Brothers); Risk, Don C., Jr., d/b/a People Movers (People Movers); Sell, William L. (William Sell); Specialty Moving, Inc. (Specialty Moving); Swan's Moving & Storage Co., Inc. (Swan's Moving); T & T Milk Transport, Inc. (T & T Milk); Washington Moving & Storage, Inc. (Washington Moving); (collectively "the Companies"). The annual report forms are sent to the address on record with the Commission for each permit holder. Each permit holder is required to submit an annual report and remit regulatory fees by May 1 of each year. A search of Commission records indicates that the Companies failed to comply with fee and/or reporting requirements required by RCW 81.80.321, RCW 81.04.080, and WAC 480-15-480. Thus, Commission Staff asks the Commission to order the Companies to come before it and show cause why the Commission should not

cancel each Company's permit for failure to pay regulatory fees and/or file annual reports.

I. COMPLAINT

3 The Washington Utilities and Transportation Commission (Commission) on its
own motion, and through its Staff, alleges as follows:

4 Household goods carriers are required to submit annual reports and remit
regulatory fees to the Commission. *Title 81 RCW.*

5 Household goods carriers are common carriers. *See RCW 81.80.010; WAC 480-15-*
020. Every common carrier is a public service company. *RCW 81.04.010.*

6 Public service companies must file an annual report with the Commission. *RCW*
81.04.080. Each common carrier must pay an annual regulatory fee of no more
than one quarter of one percent of its gross income from intrastate operations for
the previous calendar year. *RCW 81.80.321.* Thus, as common carriers
transporting goods within the state of Washington, household goods carriers
must pay regulatory fees and file annual reports.

7 Under Title 81 RCW, the Commission is expressly empowered to issue rules and
regulations governing household goods carriers. *See 81.04.160; WAC 480-15-010.*

8 The Commission distributes by mail annual report forms and instructions to each
household goods permit holder at its address on record with the Commission.
WAC 480-15-480.

9 Annual reports and regulatory fees are due no later than May 1 of the year
following the year being reported. *WAC 480-15-480.*

- 10 The Commission may cancel a household goods carrier permit for good cause, including failure to submit an annual report or failure to pay regulatory fees. WAC 480-15-450.
- 11 Busby, Dan d/b/a Careful Movers, is a public service company as defined in RCW 81.04.010. Careful Movers holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Careful Movers failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 12 Cascade Moving & Storage, Inc., is a public service company as defined in RCW 81.04.010. Cascade Moving holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Cascade Moving failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 13 Cummings Moving Systems, LLC, is a public service company as defined in RCW 81.04.010. Cummings Moving holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Cummings Moving failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 14 Emad Kadem Al-Mosawi d/b/a Sunshine Movers is a public service company as defined in RCW 81.04.010. Sunshine Movers holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Sunshine Movers failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 15 Franz, Clara Marlene d/b/a Progressive Movers, is a public service company as defined in RCW 81.04.010. Progressive Movers holds authority to transport household goods in the state of Washington for compensation. From the

Commission's files and records, it appears that Progressive Movers failed to pay the regulatory fees and file the annual report due on May 1, 2005.

- 16 G.J. Daniels, Inc., is a public service company as defined in RCW 81.04.010. G.J. Daniels holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that G.J. Daniels failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 17 Harold LeMay Enterprises, Inc., is a public service company as defined in RCW 81.04.010. LeMay holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that LeMay failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 18 Hutson, Charles Edward d/b/a Hutson & Sons Moving & Packing is a public service company as defined in RCW 81.04.010. Hutson Moving holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that although Hutson Moving timely filed an annual report it failed to pay the regulatory fees due May 1, 2005.
- 19 Lincoln Moving & Storage Co., Inc., is a public service company as defined in RCW 81.04.010. Lincoln Moving holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Lincoln Moving failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 20 W.W. Kassner d/b/a Industrial Transfer Co., is a public service company as defined in RCW 81.04.010. Industrial Transfer holds authority to transport household goods in the state of Washington for compensation. From the

Commission's files and records, it appears that Industrial Transfer failed to pay the regulatory fees and file the annual report due on May 1, 2005.

- 21 Lindsey, Jerry d/b/a Jerry Lindsey Excavating, is a public service company as defined in RCW 81.04.010. Lindsey Excavating holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that although Lindsey Excavating timely filed an annual report it failed to pay the regulatory fees due May 1, 2005.
- 22 Maskelyne Transfer & Storage, Inc. is a public service company as defined in RCW 81.04.010. Maskelyne Transfer holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Maskelyne Transfer failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 23 The Maust Corp is a public service company as defined in RCW 81.04.010. Maust holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Maust failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 24 Metropolitan Movers, Inc., is a public service company as defined in RCW 81.04.010. Metropolitan Movers holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Metropolitan Movers failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 25 Pacific Northwest Motor Freight Lines, Inc., is a public service company as defined in RCW 81.04.010. Pacific Northwest holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Pacific Northwest failed to pay the regulatory fees and file the annual report due on May 1, 2005.

- 26 Pozzi Brothers Transportation, Inc., is a public service company as defined in RCW 81.04.010. Pozzi Brothers holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Pozzi Brothers failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 27 Risk, Don C., Jr. d/b/a People Movers, is a public service company as defined in RCW 81.04.010. People Movers holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that People Movers failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 28 Specialty Moving, Inc. is a public service company as defined in RCW 81.04.010. Specialty Moving holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Specialty Moving failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 29 Sell, William L., is a public service company as defined in RCW 81.04.010. William Sell holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that although William Sell timely filed an annual report it failed to pay the regulatory fees due May 1, 2005.
- 30 Swan's Moving & Storage Co., Inc., is a public service company as defined in RCW 81.04.010. Swan's Moving holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Swan's Moving failed to pay the regulatory fees and file the annual report due on May 1, 2005.

- 31 T & T Milk Transport, Inc., is a public service company as defined in RCW 81.04.010. T & T Milk holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that T & T Milk failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 32 Washington Moving & Storage, Inc., is a public service company as defined in RCW 81.04.010. Washington Moving holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Washington Moving failed to pay the regulatory fees and file the annual report due on May 1, 2005.
- 33 In sum, as set out in a table in Appendix 1 to the Complaint, the foregoing Companies have failed to remit regulatory fees and/or file annual reports by the May 1, 2005, deadline.

II. ORDER AND NOTICE OF HEARING

- 34 IT IS HEREBY ORDERED That Busby, Dan d/b/a Careful Movers (Careful Movers); Cascade Moving & Storage, Inc. (Cascade Moving); Cummings Moving Systems, LLC (Cummings Moving); Emad Kadem Al-Mosawi d/b/a Sunshine Movers (Sunshine Movers); Franz, Clara Marlene d/b/a Progressive Movers (Progressive Movers); G.J. Daniels, Inc. (G.J. Daniels); Harold Lemay Enterprises, Inc. (LeMay); Hutson, Charles Edward d/b/a Hutson & Sons Moving & Packing (Hutson Moving); W.W. Kassner d/b/a Industrial Transfer Co. (Industrial Transfer); Lincoln Moving & Storage Co., Inc. (Lincoln Moving); Lindsey, Jerry d/b/a Jerry Lindsey Excavating (Lindsey Excavating); Maskelyne Transfer & Storage, Inc. (Maskelyne Transfer); Maust Corp, The (Maust); Metropolitan Movers, Inc. (Metropolitan Movers); Pacific Northwest Motor Freight Lines, Inc. (Pacific Northwest); Pozzi Brothers Transportation, Inc. (Pozzi Brothers); Risk, Don C., Jr., d/b/a People Movers (People Movers); Sell, William L. (William Sell); Specialty Moving, Inc. (Specialty Moving); Swan's Moving & Storage Co., Inc.

(Swan's Moving); T & T Milk Transport, Inc. (T & T Milk); Washington Moving & Storage, Inc. (Washington Moving), must, unless a different time and place be specified by notice of hearing issued by the secretary of the Commission, appear at a hearing before the Commission, at 1:30 p.m., on December 19, 2005, in Room 108, First Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, to answer the complaint herein and show cause, if any, why the Commission should not cancel their common carrier permits for failure to pay regulatory fees and/or submit annual reports.

35 The Commission, by this notice, sets a hearing in this matter, which will be held pursuant to chapter 34.05 RCW pertaining to adjudicative proceedings, including but not limited to RCW 34.05.413, RCW 34.05.434, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission has jurisdiction in this matter under chapter 80.01 RCW, chapter 81.04 RCW and chapter 81.80 RCW, including but not limited to RCW 80.01.040, RCW 81.04.110, RCW 81.04.380, RCW 81.80.130, RCW 81.80.280, RCW 81.80.290, and RCW 81.80.330, and under chapter 480-07 WAC and chapter 480-15 WAC, including but not limited to WAC 480-07-145, WAC 480-07-150, WAC 480-07-320, WAC 480-07-440, WAC 480-07-450, WAC 480-07-470, WAC 480-07-490, WAC 480-07-495, WAC 480-15-130, WAC 480-15-450, and WAC 480-15-480.

39 **NOTICE IS HEREBY GIVEN that a hearing in this matter will be held on Monday, December 19, 2005, 1:30 p.m., in Room 108, First Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. If you are unable to attend the hearing in person, you may attend via the Commission's teleconference bridge line, 360-664-3846. Please appear on the teleconference bridge five minutes before the hearing is scheduled to begin.**

40 THE COMMISSION GIVES FURTHER NOTICE THAT ANY PARTY WHO
FAILS TO ATTEND OR PARTICIPATE IN THE HEARING SET BY THIS
NOTICE, OR ANY OTHER STAGE OF THIS PROCEEDING, MAY BE HELD IN
DEFAULT IN ACCORDANCE WITH RCW 34.05.440 AND WAC 480-07-450.

41 If any party or witness needs interpreter or other assistance, please fill out the
form attached to this notice and return it to the Commission.

42 The names and mailing addresses of all parties and their known representatives
are as follows:

Complainant: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
PO Box 47250
Olympia, WA 98504-7250
(360) 664-1160

Representative: Jennifer Cameron-Rulkowski
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
PO Box 40128
Olympia, WA 98504-0128
(360) 664-1186

Respondent: Dan Busby
d/b/a Careful Movers
12529 Highway 99
Everett, WA 98204-5506

Respondent: Cascade Moving & Storage, Inc.
P.O. Box 81252
Seattle, WA 98108

Respondent: Cummings Moving Systems, LLC
3000 Market Street, Plaza #501
Salem, OR 97301

Respondent: Emad Kadem Al-Mosawi
d/b/a Sunshine Movers
P.O. Box 22625
Seattle, WA 98122-0625

Respondent: Clara Marlene Franz
3515 M Street
Vancouver, WA 98663

Respondent: G.J. Daniels, Inc.
2525 220th Street SE #106
Bothell, WA 98021

Respondent: Harold LeMay Enterprises, Inc.
P.O. Box 44459
Tacoma, WA 98444

Respondent: Charles Edward Hutson
d/b/a Hutson & Sons Moving & Packing
2413 Hutson Jones Way
Evans, WA 99126

Respondent: W.W. Kassner
d/b/a Industrial Transfer Co.
P.O. Box 1716
Auburn, WA 98071

Respondent: Lincoln Moving & Storage Co., Inc.
8420 S 190th Street
Kent, WA 98037

Respondent: Jerry Lindsey
Jerry Lindsey Excavating
1865 W Uncas Road
Pt. Townsend, WA 98368

Respondent: Maskelyne Transfer & Storage, Inc.
P.O. Box 352
Walla Walla, WA 99362-0352

Respondent: The Maust Corp
P.O. Box 58503
Seattle, WA 98138-1503

Respondent: Metropolitan Movers, Inc.
10303 Portland Avenue
Tacoma, WA 98445

Respondent: Pacific Northwest Motor Freight Lines, Inc.
802 N 31st Street
Renton, WA 98056

Respondent: Pozzi Brothers Transportation, Inc.
P.O. Box 776
Kent, WA 98035-0776

Respondent: Don C. Risk, Jr.
d/b/a People Movers
30801 16th Place SW, Unit A
Federal Way, WA 98023

Respondent: William L. Sell
P.O. Box 559
Aberdeen, WA 98520

Respondent: Specialty Moving, Inc.
33619 54th Avenue S
Kent, WA 98032

Respondent: Swan's Moving & Storage Co., Inc.
4350 Pacific Highway
Bellingham, WA 98226-9017

Respondent: T & T Milk Transport, Inc.
West 3404 Cora Street
Spokane, WA 99205

Respondent: Washington Moving & Storage, Inc.
3395 Mottman Road SW
Tumwater, WA 98512

43 Theodora M. Mace is appointed as the Administrative Law Judge from the Utilities and Transportation Commission's Administrative Law Division, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250, and will preside at the hearing.

III. ORDER

THE COMMISSION ORDER That

44 (1) Busby, Dan d/b/a Careful Movers (Careful Movers); Cascade Moving & Storage, Inc. (Cascade Moving); Cummings Moving Systems, LLC (Cummings Moving); Emad Kadem Al-Mosawi d/b/a Sunshine Movers (Sunshine Movers); Franz, Clara Marlene d/b/a Progressive Movers (Progressive Movers); G.J. Daniels, Inc. (G.J. Daniels); Harold Lemay Enterprises, Inc. (LeMay); Hutson, Charles Edward d/b/a Hutson & Sons Moving & Packing (Hutson Moving); W.W. Kassner d/b/a Industrial Transfer Co. (Industrial Transfer); Lincoln Moving & Storage Co., Inc. (Lincoln Moving); Lindsey, Jerry d/b/a Jerry Lindsey Excavating (Lindsey Excavating); Maskelyne Transfer & Storage, Inc. (Maskelyne Transfer); Maust Corp, The (Maust); Metropolitan Movers, Inc. (Metropolitan Movers); Pacific Northwest Motor Freight Lines, Inc. (Pacific Northwest); Pozzi Brothers Transportation, Inc. (Pozzi Brothers); Risk, Don C., Jr., d/b/a People Movers (People Movers); Sell, William L. (William Sell); Specialty Moving, Inc. (Specialty Moving); Swan's Moving & Storage Co., Inc. (Swan's Moving); T & T Milk Transport, Inc. (T & T Milk);

Washington Moving & Storage, Inc. (Washington Moving), must come before the Commission pursuant to WAC 480-15-130(2)(a) to show cause why the Commission should not cancel its carrier permit for failure to submit annual reports and/or pay regulatory fees.

45 (2) Under WAC 480-15-130(2)(a), the burden is on each company to prove
that its carrier permit should not be cancelled.

46 Notice of any other procedural phase will be given in writing or on the record as
the Commission may deem appropriate during the course of this proceeding.

DATED at Olympia, Washington, and effective this ____ day of November, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PHILIP B. JONES, Commissioner

Inquiries may be addressed to:

Executive Secretary
Washington Utilities and
Transportation Commission
Chandler Plaza Building
1300 S. Evergreen Park Drive S.W.
P. O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and if limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Carole J. Washburn, 1300 S. Evergreen Park Drive SW, P.O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket No.: _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be
contacted if there are questions:

Name: _____

Address: _____

Phone No.:(____) _____